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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,268	05/18/2006	Peter Vogel	10191/4275	8846
26646 7590 06/17/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER WENDELL, ANDREW				
ART UNIT 2618		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,268

**Applicant(s)**

VOGEL ET AL.

**Examiner**

ANDREW WENDELL

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14 and 16-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 14 and 16-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14, 16-20, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Andreas (JP 2001-119451).

Regarding claim 14, Andreas teaches a method for operating multimedia and/or telematics services 11, 12, or 13 (Fig. 1) in a motor vehicle 10 (Fig. 1), comprising providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15) wherein at least one service uses at least one input medium (Page 4 line 3-Page 5 line 15, i.e. receiving phone call or operating panel for the car radio), at least one service uses at least one output medium (Page 4 line 3-Page 5 line 15, i.e. making phone call or audio output from radio or output from navigation system), the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1).

Regarding claim 16, Andreas teaches wherein the selection of the services includes a prioritization of predetermined services (based on vehicle speed can have priority on services, i.e. higher priority to receive calls when vehicle is below 130Km/h than when over 130Km/h the priority of receiving calls are lowered) over other services that are also available (Page 4 line 3-Page 5 line 15).

Regarding claim 17, Andreas teaches performing a speed-dependent selection (Page 4 line 3-Page 5 line 15) of an input medium (Page 4 line 3-Page 5 line 15, i.e. receiving phone call or operating panel for the car radio) for an operator control of the services.

Regarding claim 18, Andreas teaches performing a speed-dependent selection (Page 4 line 3-Page 5 line 15) of an output medium for a representation of the services (Page 4 line 3-Page 5 line 15, i.e. making phone call or audio output from radio or output from navigation system).

Regarding claim 19, Andreas teaches performing a speed-dependent adaptation of at least one of an input medium and an output medium (Page 4 line 3-Page 5 line 15).

Regarding claim 20, Andreas teaches performing a control involving a selection, based at least in part on the speed of the vehicle of a suitable form of representation of contents (car phone, car radio, navigation system) provided by the particular service on an output medium (Page 4 line 3-Page 5 line 15).

Regarding claim 26, Andreas teaches a service management unit 15 (Fig. 1) for use in an operation of multimedia and/or telematics services 11, 12, or 13 (Fig. 1) and

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associated user interfaces, in a motor vehicle 10 (Fig. 1), comprising a control unit 15 (Fig. 1) for analyzing information on a vehicle speed (Page 3) and being configured for providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.), wherein the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Yamanaka et al. (US Pat# 6,667,726).

Regarding claim 21, Andreas teaches the limitations in claim 14. Andreas fails to teach changing a display color on an output medium.

Yamanaka teaches an output medium in a manner controlled by a speed 3 (Fig. 1) by performing at least one of the following: c) changing a display color 26 (Fig. 1) on the output medium 1a (Fig. 1).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate changing a display color on an output medium as taught by Yamanaka into Andreas vehicle controls in order to know the speed of the vehicle more easily and therefore traveling at safer speeds (Col. 3 lines 35-39).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Breed (US Pat# 7,126,583).

Regarding claim 22, Andreas teaches performing one of the following for adapting an input medium in a manner controlled by a speed a) assigning control elements, including keys, different functions, in which functions of greater importance being prioritized over those of less importance (Page 4 line 3-Page 5 line 15), b) suppressing predetermined functions of predefined associated control elements (Page 4 line 3-Page 5 line 15), c) blocking keys in one of an audibly perceptible manner, a visually perceptible manner, and a tactilely perceptible manner (Page 4 line 3-Page 5 line 15).

Andreas fails to teach changing one of a sensitivity characteristic of a microphone.

Breed teaches changing one of a sensitivity characteristic of a microphone and a directional characteristic of the microphone (Col. 17 lines 9-29).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate changing one of a sensitivity characteristic of a microphone as taught by Breed into Andreas's vehicle

controls in order to increase safety since the operator does not have to take their eyes off the road (Col. 13 lines 57-66).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Toshio (JP 06-61923).

Regarding claim 23, Andreas teaches the limitations in claim 14. Andreas fails to teach selecting a transmission medium.

Toshio teaches selecting a transmission medium (selecting the correct base station to transmit based on speed) for communication and setting corresponding service parameters as a function of a speed (Figs. 2 and Section 0009).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate selecting a transmission medium as taught by Wakabayashi into Andreas's vehicle controls in order to reduce deterioration of the speech quality (Purpose).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of O'Neil (US Pat# 6,973,333).

Regarding claim 24, Andreas teaches the limitations in claim 14. Andreas fails to teach performing a control in at least one of a location-dependent manner and a context-dependent manner.

O'Neil teaches performing a control in at least one of a location-dependent manner and a context-dependent manner (Col. 14 line 49-Col. 15 line 2).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate performing a

control in at least one of a location-dependent manner and a context-dependent manner as taught by O'Neil into Andreas's vehicle controls in order to increase flexibility in restricting the use of cellular telephones (Col. 2 lines 62-67).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Damiani et al. (US Pat# 6,667,726).

Regarding claim 25, Andreas teaches a vehicle information system (Fig. 2) for operating services including at least one of multimedia services and telematics services 11, 12, or 13 (Fig. 1) and associated user interfaces in a motor vehicle 10 (Fig. 1), comprising a service management unit 15 (Fig. 1) connectable to a) a device for one of measuring and displaying an instantaneous vehicle speed 17.1 and 17.2 (Fig. 1 and Page 3), and b) a user interface 11, 12, or 13 (Fig. 1) for providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e. controlling based on speed for making calls, operability of the car radio, incoming calls, navigation announcements, etc.), wherein the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails to clearly teach measuring instantaneous speed (even though it would be obvious).

Damiani teaches a device for one of measuring and displaying an instantaneous vehicle speed (Col. 3 lines 25-30).



Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate measuring instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to increase visibility and therefore increase safety (Col. 1 lines 28-47).

***Response to Arguments***

9. Applicant's arguments with respect to claims 14 and 16-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 4/2/2008 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/  
Examiner, Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
Unit 2618

5/27/2008